

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

MAR - 6 1997

In re)	
Amendment of § 73.202(b) of the Rules,)	
Table of Allotments, FM Broadcast Stations)	MM Docket No. 97-_____
(GLEN ROSE, TEXAS))	RM-_____

To: The Chief, Allocations Branch,
 Mass Media Bureau

**PETITION FOR RULEMAKING AND FOR
 ISSUANCE OF ORDER TO SHOW CAUSE**

Cleburne Radio, Inc. ("CRI"), the licensee of radio station KCLE-FM, Channel 221C2, Glen Rose, Texas, hereby requests the start of a rule-making proceeding to amend § 73.202(b) of the Commission's Rules, the FM Table of Allotments, to upgrade station KCLE-FM. Specifically, CRI seeks the substitution of Channel 221C1 for the present Channel 221C2 and a concomitant modification of the license of station KCLE-FM. The upgrade at Glen Rose requires a change in the authorized but unbuilt facilities of the new FM station to serve the community of Stamford, Texas. (The FCC has not yet assigned call letters to that facility.) As discussed in more detail below, Blue Plains Broadcasting Company, the permittee of the unbuilt Stamford facility, has already requested a modification to its station authorization to a lower Class. In addition to the already proposed downgrade of the Stamford assignment to Class A, CRI proposes a substitution of Stamford's dial position.

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Schematically, the amendments to the FM Table of Allotments will be as follows:

<u>COMMUNITY</u>	<u>PRESENT</u>	<u>MODIFIED</u>
Glen Rose, Texas	221C2	221C1
Stamford, Texas	221C2 (221A Proposed)	295A

I. BACKGROUND

1. Radio station KCLE-FM is licensed to serve the community of Glen Rose, Texas on Channel 221C2 with parameters of 27 kW ERP (H and V) and 201 meters HAAT. CRI has discovered, however, that it can upgrade station KCLE-FM to Class C1 status on KCLE-FM's authorized channel in full compliance with the FCC's technical rules, with one minor alteration to the FM Table of Allotments (the previously mentioned change of Stamford's dial position).

II. ARGUMENT

A. THE UPGRADE OF STATION KCLE-FM WILL SERVE THE PUBLIC INTEREST

2. The primary service ($60\text{-dB}\mu_{50,50}$) contour of a Class C2 station at maximum parameters (neglecting terrain irregularities) extends 52 km and encompasses an area of 8495 sq km. By contrast, the $60\text{-dB}\mu_{50,50}$ contour of a Class C1 station at maximum parameters (again, neglecting terrain irregularities) extends 138% further (to 72 km) and encompasses an area 192% greater (16,286 sq km) than that of a Class C2 FM station. The dramatic improvement in spectral efficiency flowing from KCLE-FM's upgrade to Class C1 status will clearly serve the

public interest. Endicott, New York, 51 FCC 2d 50, 51 (1975).

3. Furthermore, as shown in Exhibit A hereto, the Technical Statement of Mr. John Furr, CRI's technical consultant, the Commission can upgrade KCLE-FM to Class C1 status on Channel 2221 in full compliance with the FM technical rules with only a minor change in transmitter site¹ and one other minor amendment to existing or proposed allotments. Finally, the proposed upgrade of station KCLE-FM fully comports with the FCC's policy of encouraging licensees and permittees to improve facilities on their current or adjacent channels. See, Report and Order in MM Docket No. 85-313, 50 Fed. Reg. 20290 (1986).

B. Other Matters

4. CRI intends, if the Commission amends the FM Table of Allotments as CRI requests herein, to promptly file an application for construction permit specifying operation of KCLE-FM on Channel 221C1. Upon grant of that application, CRI intends to construct, to place into operation, and to seek a covering license for the upgraded KCLE-FM facility.

5. Finally, because CRI proposes to upgrade KCLE-FM on its currently authorized operating frequency, no one may file a competing expression of interest for Channel 221C1 at Glen Rose. See, Report and Order in MM Docket No. 85-313, supra. As required by the

¹ As a reference point for the allotment of Channel 221C1 to Glen Rose, CRI proposes to use the following coordinates: North Latitude 32 Degrees, 16 Minutes, 30 Seconds; and West Longitude 98 Degrees, 08 Minutes, 30 Seconds. This site is sufficiently near the community of license to ensure the premium level of service required by § 73.315 of the Rules.

Commission, CRI pledges to reimburse the permittee of the unbuilt Stamford facility for the reasonable and prudent costs of changing from Channel 221A to Channel 295A.² See Circleville, Ohio, 8 FCC 2d 159 (1967).³

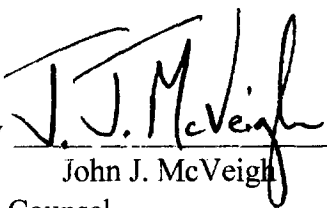
III. CONCLUSION

For the reasons stated above, the public interest will be served by the upgrade of station KCLE-FM to Class C1 status on Channel 221. Accordingly, the Commission should promptly institute a combined rulemaking and show-cause proceeding looking toward an amendment to the Table of Allotments for FM Broadcast Stations and concomitant modification of KCLE-FM's station authorization as CRI has proposed herein.

Respectfully submitted,

BERNSTEIN AND McVEIGH
1818 N Street Northwest,
Suite 700
Washington, D.C. 20036
(202) 296-1800

CLEBURNE RADIO, INC.

By 
John J. McVeigh
Its Counsel

Date: March 6, 1996

²By means of FCC Form 314 application BAPH-970204GE, Blue Plains Broadcasting Company is seeking FCC consent to assign the unbuilt Stamford construction permit to M & M Broadcasting Company.

³The Stamford permittee's "one-step" application to downgrade and change transmitter site satisfies the FCC's requirements for documentary evidence as to the permittee's willingness to effect such changes to its unbuilt facility.

EXHIBIT A

ALLOCATION STATEMENT

This petition is prepared on behalf of Texas Country Connection, licensee of KCLE-FM in Glen Rose, Texas ("KCLE").

The Petition for Rulemaking requested an amendment of the Table of FM Channel Allotments, Section 73.202(b) of the FCC Rules to provide an upgrade for KCLE from Channel 221C2 to Channel 221C1. The reason for not filing under the "instant up-grade" procedure is that this involves substituting a second party channel of an assigned allotment. The reference coordinates for this KCLE-FM proposal are:

Latitude 32°16'30" North, Longitude 98°08'30" West

This site is located 36 kilometers north and west of the reference coordinates of Glen Rose, Texas. From this site the entire city of Glen Rose, Texas will be served with the 70 dBu contour as required by §73.315 (a) and (b), demonstrated in the attached exhibit. The allocation exhibit shows Class C1 operation from this site will comply with all separation requirements as set forth in §73.207 of the FCC Rules, except as relates to the Allocation of 221C2 in Stamford, TX which recently filed to down-grade to Class A.

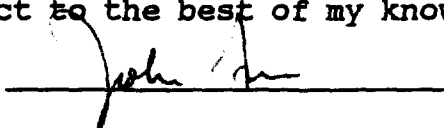
KCLE proposed a change to delete Channel 221A and substitute Channel 295A. The reference coordinates for Stamford Channel 295A are unchanged from those of the application on file for Blue Plains Broadcasting on 221A. The allocation study for Stamford is shown in the attached exhibit using the coordinates of:

Latitude 32°16'30" North, Longitude 98°08'30" West

This request of one substitution is within the guidelines of Docket 85-247 which limits the number of channel substitutions to two.

I, John R. Furr, am a Communications Consultant, and represent Texas Country Connection. My qualifications are a matter of record with the Federal Communications Commission, and all statements made herein are true and correct to the best of my knowledge and belief.

March 3, 1997



John R. Furr

FM Study for: KCLEFM
 Location: GLEN ROSE, TX
 Call City, State
 Status Proponent

Channel Class: C1
 Chan Class Freq kW Latitude Dist.
 File Number HAAT Longitude Azm. Required
 Clear (km)

32-16-30

98-08-30

Required

Clear (km)

>>>>>>> Study For Channel 221 92.1 MHz <<<<<<<<

KCLEFM	GLEN ROSE, TX	221 C2	92.1	27.0	32-07-25	22.7	224	
LIC	TEXAS COUNTRY CONNECT	BLH-920821KB	201		97-58-49	137.8	-201.3	SHORT
NEW	STAMFORD, TX	221 C2	92.1	50.0	32-44-49	178.1	224	
CP	BLUE PLAINS BROADCAST	BPH-951120MM	150		99-57-12	287.6	-45.9	SHORT
NEW	STAMFORD, TX	221 A	92.1	6.0	32-58-21	174.5	200	
APP	BLUE PLAINS BROADCAST	BMPH-970225	84		99-48-32	296.8	-25.5	SHORT
KIKY	HUTTO, TX	221 A	92.1	1.65	30-31-53	200.64	200	
LIC	AUSTIN BROADCASTING,	BLH-940721KD	137		97-34-37	164.3	+0.64	CLOSE
ALLOC	FARMERSVILLE, TX	221 A	92.1		33-16-21	200.73	200	
ADD	HUNT BROADCASTING	Docket-96-10	0		96-21-14	56.1	+0.73	CLOSE
KIIZFM	KILLEEN, TX	222 A	92.3	3.6	31-06-33	137.4	133	
LIC	SONANCE KILLEEN LICEN	BLH-901213KC	79		97-39-00	160.0	+4.4	CLOSE
KVTT	DALLAS, TX	219 C	91.7	100.	32-35-24	115.4	105	
LIC	RESEARCH EDUCATIONAL	BLED-861212KB	335		96-58-21	72.1	+10.4	CLOSE
KZPS	DALLAS, TX	223 C	92.5	96.	32-35-22	115.6	105	
LIC	BONNEVILLE HOLDING CO	BLH-801126AA	485		96-58-10	72.1	+10.6	CLOSE
KDOK	TYLER, TX	221 C2	92.1	50.0	32-25-06	245.6	224	
APP	GLEISER COMMUNICATION	BPH-960625IB	150		95-32-18	85.6	+21.6	CLEAR
One-Step Application from Channel 221C3								
KFXI	MARLOW, OK	221 C1	92.1	100.	34-42-35	270.2	245	
CP	DFWU, INC.	BPH-920914IF	219		98-03-00	1.8	+25.2	CLEAR
From channel 221C2 per D89-52								

03-03-1997

John Furr & Associates Inc.

PAGE 1

FM Study for: NEW
 Location: STAMFORD, TX
 Call City, State
 Status Proponent

FCC Database Date: 1/97
 Channel Class: A
 Chan Class Freq kW Latitude Dist.
 File Number HAAT Longitude Azm. Required
 Clear (km)

>>>>>>> Study For Channel 295 106.9 MHz <<<<<<<

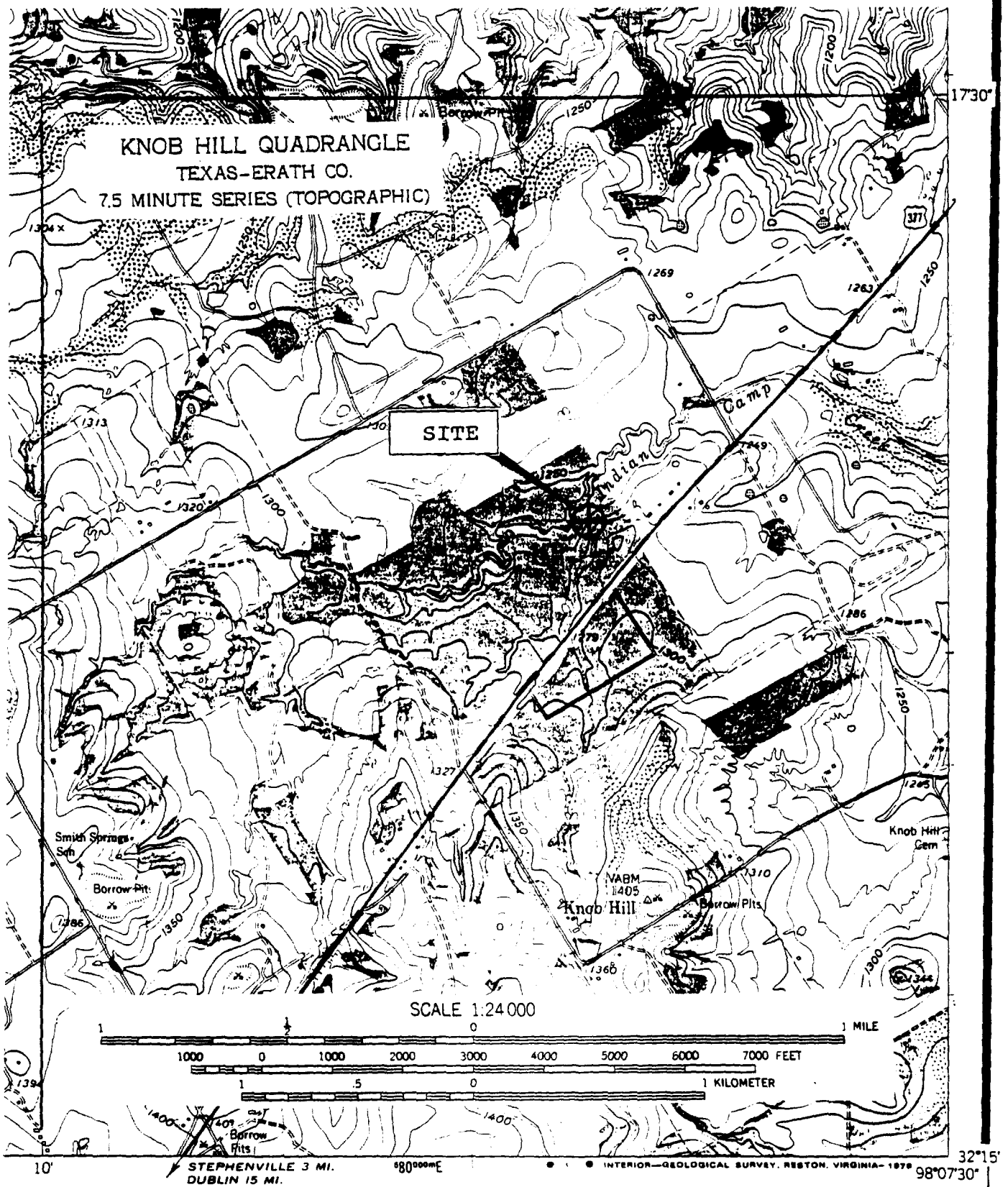
KMRTFM GRANBURY, TX	294 C	106.7	100.	32-15-07	183.7	165	
LIC KCYT-FM LICENSE CORPO	BLH-900125KC	302		98-02-48	115.3	+18.7	CLEAR
KHXS ABILENE, TX	292 C2	106.3	50.	32-17-06	77.8	55	
CP SURE BROADCASTING, IN	BPH-941227JA	150		99-38-38	168.5	+22.8	CLEAR
CP cancelled 960807							
KHXS ABILENE, TX	292 A	106.3	4.3	32-28-34	55.9	31	
LIC SURE BROADCASTING, IN	BLH-891010KC	61		99-42-22	170.0	+24.9	CLEAR
*To channel 292C2 Per D91-28							
ALLOC GRAHAM, TX	296 C3	107.1		33-07-37	114.8	89	
VAC	Docket-89-280	0		98-35-35	81.1	+25.8	CLEAR
Effective 5-18-90-Reserved for KWKQ per D89-280							

JF&A
 COMMUNICATIONS
 CONSULTANTS

STAMFORD, TX

KCLE-FM
 GLEN ROSE, TX
 ALLOCATION





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COMMUNICATIONS
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KCLE-FM
GLEN ROSE, TX
SITE MAP

CERTIFICATE OF SERVICE

I hereby certify that I have this Sixth day of March 1996, sent copies of the foregoing
**"PETITION FOR RULEMAKING AND FOR ISSUANCE OF ORDER TO SHOW
CAUSE"** by hand delivery to:

Blue Plains Broadcasting Company
529 Woodland Hills Drive
Lavergne, Texas 37086

M & M Broadcasting Company
919 North Main, P.O. Box 1629
Cleburne, Texas 76033-1629


J.J. McVeigh